IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1085 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 31/12/2004 in WP No : 8012 OF 1995 on the file of the High Court.)

Between:

The Depot Manager, A.P.S.R.T.C, Gajuwaka Depot, Visakhapatnam.

..... APPELLANT

AND

1. The Industrial Tribunal-cum- Labour Court, Rep. by its Chairman,

Visakhapatnam,
2 Raguda Siva Sankar Prasad, Mechanic, APSRTC, Gajuwaka,

Visakhapatnam.

.....RESPONDENTS

Counsel for the Appellant: KUM.B.G.UMA DEVI

Counsel for Respondent No.1: GP FOR LABOUR

Counsel for Respondent No.2: Mr.K.PURUSHOTHAM

The Court made the following:

JUDGMENT: (per the Hon'ble Smt.Justice T.Meena Kumari)

This Writ Appeal is filed by the appellant-Corporation aggrieved by the Order, dated 31.12.2004 in Writ Petition No.8012 of 1995 passed by a learned single Judge of this Court.

The said Writ Petition was filed by the second respondent-workman challenging the Award dated 17.11.1994 in I.D.No.139 of 1992 passed by the Industrial Tribunal-cum-Labour Court, Visakhapatnam wherein the claim petition filed by him under Section 2-A(2) of the Industrial Disputes Act, 1947 was dismissed, confirming the punishment imposed by the management dismissing him from service.

The learned single Judge of this Court after going into the merits of the case and after considering the material available on record, allowed the Writ Petition setting aside the punishment of removal from service imposed by the management and directing the management to reinstate the workman into service with continuity of service, but without any back wages and without any attendant benefits. Aggrieved by the same, the present Writ Appeal has been preferred by the appellant-Corporation.

Heard.

Having regard to the facts and circumstances of the case, we see no grounds to interfere with the Order of the learned single Judge, but we only clarify that the

continuity of the period of service ordered by the learned single Judge shall be counted only for the purpose of calculating the pension and gratuity.

The Writ Appeal is accordingly disposed of. No order as to costs.

(T.MEENA KUMARI, J)

(P.LAKSHMANA REDDY, J)

Dt: 29.06.2005

bsv/lvl

To,

1. The Depot Manager, A.P.S.R.T.C, Gajuwaka Depot, Visakhapatnam.

2. The Chairman, Industrial Tribunal-cum- Labour Court,

Visakhapatnam.

3. Two CCs to the Government Pleader for Labour, High Court of A.P., Hyderabad. (OUT)

4. Two CD copies.